

## ADMINISTRATIVE COMMITTEE

**Tuesday, July 5, 2016**  
**5:00 p.m.**

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at City Hall, 790 South 100 East, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

### AGENDA

1. Welcome and Introductions.
2. Consider approval of minutes for June 13, 2016.
3. **CONTINUATION:** Consider approval of a Variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 2234 South Wood Hollow Way, Kristopher Clayton, applicant. (Continued from Monday, June 27, 2016.)
4. Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 131 Oakridge Drive, Jonathan Heath, applicant.
5. Miscellaneous business and scheduling.



Chad Wilkinson, City Planner

**Bountiful City  
Administrative Committee Minutes  
June 13, 2016**

**Present:** Chairman – Chad Wilkinson; Committee Members – Lloyd Cheney and John Marc Knight; Assistant Planner – Andy Hulka; Recording Secretary – Julie Holmgren

**1. Welcome and Introductions.**

Chairman Wilkinson opened the meeting at 5:00 p.m. and introduced all present.

**2. Consider approval of minutes for May 31, 2016.**

Mr. Cheney made a motion to approve the minutes for May 31, 2016. Mr. Knight seconded the motion.

<u>A</u>	Mr. Wilkinson
<u>A</u>	Mr. Cheney
<u>A</u>	Mr. Knight

Motion passed 3-0.

**3. PUBLIC HEARING: Consider approval of a Conditional Use Permit to allow for Solar Panels at 1973 South 1150 East, Donald Solze, applicant.**

[Mr. Hinds was delayed; hence item #4 was heard before item #3.]

Carson Hinds, representing the applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the solar panels are to be installed is located in the R-3 Single Family Zone. Solar power panels are classified in the city ordinance as “private power plants” and require a conditional use permit if they are over 10 watts. The applicant has indicated that the photovoltaic system to be installed will produce 5.83 kilowatts (5,830 watts), requiring a conditional use permit.

The application submitted indicates the proposed installation of 3 photovoltaic arrays with a total of 22 panels. The arrays will occupy approximately 476 square feet, which is smaller than the 50% maximum roof coverage. The first array on the south facing portion of the roof will include 8 panels, the second array on the east facing portion of the roof will include 11 panels, and the third array on the east facing portion of the roof will include 3 panels. The roof is of truss construction, has a slope of 7:12. The application indicated that the asphalt shingles were in poor condition. The applicant has clarified that there is only one section of the roof over the front entrance to the home that has weathered shingles and the rest of the roof is in good condition. No panels will be mounted on the portion of the roof with weathered shingles. The

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panels will be connected to the roof with a Snap N Rack mounting system. A review of information provided in the application indicates that all engineering requirements for the construction of solar panels in Bountiful City will be met. A reflection analysis of the roof pitch indicates that photovoltaic panels should not produce a reflection nuisance to surrounding properties.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the conditional use permit with the following conditions:

1. The applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

Note: Based on the deteriorated condition of the shingles on one portion of the roof, staff suggests that the owner replace the asphalt shingles before installing solar panels.

Mr. Hulka noted that a slight change was made to his findings regarding the condition of the shingles, specifically; he discovered that shingles on only one portion of the roof were deteriorated and modified the original staff report accordingly. (The revised staff report is included in these minutes.)

**PUBLIC HEARING:** Chairman Wilkinson opened and closed the Public Hearing at 5:08 p.m. with no comments from the public.

Mr. Cheney made a motion for approval of a Conditional Use Permit to allow for Solar Panels at 1973 South 1150 East, Donald Solze, applicant. Mr. Knight seconded the motion.

A Mr. Wilkinson  
A Mr. Cheney  
A Mr. Knight

Motion passed 3-0.

4. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (plumbing) at 555 North 1200 East, Dan Rast, applicant.

Dan Rast, applicant, was present.

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the Home Occupation Construction Business is proposed is located in the R-3 Single Family Zone. Home Occupation Contractor Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.



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The application submitted indicates that the property will be used as a residential office for a contractor business. The applicant has indicated that he will be using a 375 square foot space in the home for the office. The applicant uses his personal truck for the business, which will be parked in the driveway or in the garage. The applicant plans to use a van for the business instead of his truck in the future, which would also be parked in the garage or the driveway along the side of the home. The applicant has no equipment to store beyond what is on his truck. There will be no employees working on site. The applicant has indicated that no work will be performed on site, no product will be sold from the property, and no customers will visit the site. There will be no signage on the property associated with the business. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The Conditional Use Permit is solely for this site and is non-transferable.

Mr. Knight asked Mr. Rast if he had questions or if there was any ambiguity regarding signage or employee congregation as they relate to restrictive conditions of a home occupation business. Mr. Rast noted his understanding and stated he would have no employees and his business would be invisible to the public.

**PUBLIC HEARING:** Chairman Wilkinson opened and closed the Public Hearing at 5:04 p.m. with no comments from the public.

Mr. Knight made a motion for approval of a Conditional Use Permit to allow for a Home Occupation Contractor Business (plumbing) at 555 North 1200 East, Dan Rast, applicant. Mr. Cheney seconded the motion.

<u>A</u>	Mr. Wilkinson
<u>A</u>	Mr. Cheney
<u>A</u>	Mr. Knight

Motion passed 3-0.

5. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Landscaping Business (flower bed maintenance) at 12 West 1800 South, Tiffani Hubbard, applicant.

Tiffani Hubbard, applicant, was present.

**Pending minutes have not yet been approved by the Administrative Committee and are subject to change until final approval has been made.**

Andy Hulka presented a summary of the staff report (the full staff report follows).

The property where the landscaping business is proposed is located in the R-4 Single Family Zone. Home Occupation Landscaping Businesses in this zone are classified in the City Ordinance as requiring a Conditional Use Permit.

The application submitted indicates that the applicant will only use hand tools stored in the garage for the flower bed maintenance business. This approval is not limited to flower bed weeding but could also include other landscaping activities provided the business still complies with the standards of the code. The applicant will use her personal vehicle for the business, which will be parked in the garage. The applicant will not be using any space in the home as an office for the business. The applicant indicates that there is no large equipment or chemical storage and that no customers or employees will visit the site. The applicant has indicated that no work will be performed on site and no product will be sold from the property. There will be no signage on the property associated with the business. The use appears to be incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition of the property.

Based on the findings, staff has determined that the applicant would comply with all requirements for the conditional use permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

1. The applicant shall maintain an active Bountiful City business license.
2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, fumes, glare, traffic, etc.).
3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
4. The use shall not include any outside storage at the residence.
5. The Conditional Use Permit is solely for this site and is non-transferable.

Ms. Hubbard noted that she will be parking her vehicle in the driveway. She inquired if she would be permitted to purchase items to take to her customers' homes. Mr. Wilkinson affirmed but pointed out that resale of products would be prohibited at Ms. Hubbard's residence. Mr. Knight reiterated home occupation business sign restrictions, and Ms. Hubbard stated she would not display a business sign. Mr. Wilkinson informed Ms. Hubbard that the landscaping conditional use permit includes more than flower bed maintenance, and if she desires to expand her services in the future she would be allowed to do any of those services which fall under the landscaping umbrella.

**PUBLIC HEARING:** Chairman Wilkinson opened and closed the Public Hearing at 5:12 p.m. with no comments from the public.

Mr. Wilkinson inquired regarding the demand for Ms. Hubbard's services. Ms. Hubbard responded that she ran an ad for two weeks and has almost more business than she has time for.



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Mr. Knight made a motion for approval of a Conditional Use Permit to allow for a Home Occupation Landscaping Business (flower bed maintenance) at 12 West 1800 South, Tiffani Hubbard, applicant. Mr. Cheney seconded the motion.

A        Mr. Wilkinson  
A        Mr. Cheney  
A        Mr. Knight

Motion passed 3-0.

**6. Consider approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 143 East 1400 South, Kevin Kellersberger, applicant.**

Mr. Cheney made a motion for approval of a Conditional Use Permit, in written form, to allow for Solar Panels at 143 East 1400 South, Kevin Kellersberger, applicant. Mr. Knight seconded the motion.

A        Mr. Wilkinson  
A        Mr. Cheney  
A        Mr. Knight

Motion passed 3-0.

**7. Consider approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Construction Business at 1682 South 1175 East, Darin Fenwick, applicant.**

Mr. Knight made a motion for approval of a Conditional Use Permit, in written form, to allow for a Home Occupation Construction Business at 1682 South 1175 East, Darin Fenwick, applicant. Mr. Cheney seconded the motion.

A        Mr. Wilkinson  
A        Mr. Cheney  
A        Mr. Knight

Motion passed 3-0

**8. Miscellaneous business and scheduling.**

Mr. Wilkinson ascertained there were no further items of business. The meeting was adjourned at 5:15 p.m.

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Chad Wilkinson, City Planner



MAYOR  
RANDY LEWIS

CITY COUNCIL  
RICHARD HIGGINSON  
BETH HOLBROOK  
JOHN M. (MARC) KNIGHT  
KENDALYN HARRIS  
JOHN PITT

CITY MANAGER  
GARY R. HILL

## **Memo**

Date: June 22, 2016  
To: Administrative Committee  
From: Andy Hulka, Assistant Planner  
Re: Staff Report for the Administrative Committee Meeting on Monday, June 27, 2016

## **Overview**

3. **PUBLIC HEARING** - Consider approval of a Variance to allow disturbance of areas with slopes greater than 30 percent for property addressed 2234 South Wood Hollow Way, Kristopher Clayton, applicant.

## **Item #3**

### **Description of Request**

The applicant, Kristopher Clayton, has requested a variance to allow for construction on slopes exceeding 30% slope in the R-F Residential Foothill zone.

### **Authority**

Section 14-2-111 authorizes the Administrative Committee as the review body for variance requests related to building on slopes greater than 30%.

### **Background**

The property is located at 2234 South Wood Hollow Way in the R-F zone and is surrounded by single-family residential properties on all sides. Section 14-4-104 (A) requires that all structures and all other site improvements of whatever description "shall be located only upon areas constituting usable land... that is located entirely on ground of less than thirty percent (30%) slope, that does not encroach into required setbacks or easements, and that meets the area requirements as outlined in this section." The proposed home encroaches on slopes exceeding 30 percent and therefore does not meet this standard. The applicant has requested a variance to allow for construction of a home on the property that encroaches on the 30 percent slope areas. The applicants have submitted a narrative which is attached to this report.

### **Variance Findings**

Utah Code 10-9a-702 establishes the criteria for review of a variance request. In order to grant a variance each of the following criteria must be met:

- (i) *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;*

**Staff Response:** The need for the variance arises from the slope of the property. Without a variance it is not possible to build a reasonably sized home on the property. The current zoning ordinance requires new lots in the Residential Foothill zone to contain at least 6,000 square feet of buildable area. The lot was created in 1976, prior to the current ordinance standards. The applicant indicated that the lot currently has approximately 2,000 square feet of buildable area, which does not meet current Code. Without a variance, the applicants are deprived of the ability of constructing a home on property meeting the standards of the Code.

- (ii) *There are special circumstances attached to the property that do not generally apply to other properties in the same zone;*

**Staff Response:** The slope of the property constitutes a special circumstance as there is not a way to build a reasonably sized home on the lot without disturbing the 30% slope. The proposed encroachments are the minimum necessary to build the proposed home and the property was created prior to current standards related to hillside development.

- (iii) *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;*

**Staff Response:** Several properties in the immediate area have received variances in order to be built on slopes in excess of 30%. Failure to grant this variance would prevent the owner from building on the lot.

- (iv) *The variance will not substantially affect the general plan and will not be contrary to the public interest;*

**Staff Response:** The development will be consistent with development in the neighborhood. Allowing this variance doesn't significantly alter or affect the general plan, and it is unlikely to have any negative impacts on zoning regulations or neighboring properties.

- (v) *The spirit of the land use ordinance is observed and substantial justice done*

**Staff Response:** The purpose of the land use ordinance that requires improvements be located on slopes less than 30% is to preserve the hills and manage runoff and erosion on properties located in the foothills. The Code specifically anticipates that there are existing lots that don't meet the standards and that the variance process provides a way for those lots to be developed. The proposed development on the slope over 30% is the minimum needed to develop a reasonably sized home on the property and is necessary to meet other codes and is found to comply with the spirit of the ordinance.



### **Staff Recommendation**

Staff recommends that the Administrative Committee approve the variance, based on analysis of the required review criteria from State law included in the findings above and the materials submitted by the applicant.

## **2234 S Wood Hollow Way**





MAYOR  
RANDY LEWIS

CITY COUNCIL  
RICHARD HIGGINSON  
BETH HOLBROOK  
JOHN M. (MARC) KNIGHT  
KENDALYN HARRIS  
JOHN PITT

CITY MANAGER  
GARY R. HILL

## **Bountiful City, Utah Conditional Use Permit**

A public hearing was held on June 27, 2016, at Bountiful City Hall to consider the request of Jonathan Heath for a Conditional Use Permit allowing for a Private Power Plant (Solar Panels) at the following location:

### **131 Oakridge Drive, Bountiful City, Davis County, Utah**

COM AT A PT WH IS E 662.06 FT & S 2270.07 FT FR THE N 1/4 COR OF SEC 6-T1N-R1E, SLM, SD PT ALSO BEING N 37.76 FT & W 170.43 FT FR SAME SD N 1/4 COR, SD PT BEING THE POB; TH S 47°20'40" E 205.00 FT; TH S 60.00 FT; TH S 89°24'49" W 88.29 FT; TH N 4°31'00" W 102.00 FT; TH N 29°01'30" W 112.22 FT TO THE POB. ALSO, COM AT A PT WH IS E 662.06 FT & S 2270.07 FT & S 47°20'40" E 205.00 FT & S 60.00 FT & S 89°27'41" W 88.29 FT FR THE N 1/4 COR OF SEC 6-T1N-R1E, SLM, SD PT BEING THE POB; SD PT ALSO BEING N 89°55'51" W 107.95 FT & N 25.62 FT FR A FOUND RR SPIKE IN THE INTERSECTION OF OAKRIDGE DRIVE & OAKRIDGE CIRCLE STREETS; & RUN TH S 90°00'00" W 8.03 FT & N 0°00'00" W 101.68 FT; TH S 4°31'00" E 102.00 FT TO THE POB. CONT. 0.279 ACRES

### **Parcel: 01-032-0080**

The Bountiful City Administrative Committee heard the matter and considered the statements of the applicant, the City staff, and the public. As a result, the Administrative Committee makes the following findings:

1. This matter is properly heard before the Administrative Committee.
2. Appropriate public notice has been provided and a public hearing held.
3. The proposed request to operate a Private Power Plant (Solar Panels) meets the letter and the intent of the specific requirements in §14-2 and 14-14 et seq (Conditional Use Permit provisions) of the Bountiful City Land Use Ordinance.

The Bountiful City Administrative Committee hereby grants this Conditional Use Permit for a Private Power Plant (Solar Panels) to be located at 131 Oakridge Drive, in Bountiful, Davis County, Utah, with the following conditions:

1. The applicant shall obtain a building permit.
2. The panels must be installed only as proposed in the application.
3. This conditional use permit is solely for this site and is non-transferable.

The Conditional Use Permit was approved on June 27, 2016, and this written form was approved this 5th day of July, 2016.

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Chad Wilkinson  
Planning Director

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ATTEST: Julie Holmgren  
Recording Secretary